

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

STEPHEN BAIN,
Plaintiff

v.

JOHN GORCZYK, et al.
Defendants

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File No. 1:07-cv-116

ORDER

The Magistrate Judge's Report and Recommendation was filed January 22, 2009. (Paper 80.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants' motion for summary judgment (Paper 59) is DENIED.

This matter is returned to Magistrate Judge John M. Conroy.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 25th day of March, 2009.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge